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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

*In re Carrier IQ, Inc. Consumer Privacy  
Litigation*

[This Document Relates to All Cases]

Case No. C-12-md-2330-EMC

**SECOND STIPULATION AND  
[PROPOSED] ORDER FOR  
CONTINUANCE OF TIME FOR  
DEFENDANTS TO FILE MOTION(S)  
TO COMPEL ARBITRATION AND  
REGARDING A BRIEFING  
SCHEDULE**

**STIPULATION**

This Stipulation and [Proposed] Order is entered into by and between Plaintiffs' Interim Co-Lead Counsel and Defendants' counsel (collectively, the "Parties") as follows:

WHEREAS, the Court, in its July 16, 2012 Order appointing Interim Co-Lead Counsel

1 (Dkt. No. 100), set August 27, 2012 as the date by which Plaintiffs must file their Consolidated  
2 Amended Complaint and October 11, 2012 as the date for Defendants to file their motions to  
3 compel arbitration, if any;

4 WHEREAS, Defendants received from Plaintiffs information sufficient to identify  
5 Plaintiffs' wireless phone service providers and account identifiers on August 30, 2012 and, since  
6 that time, have worked diligently to obtain copies of Plaintiffs' service agreements and any  
7 related arbitration agreements from their wireless phone service carriers;

8 WHEREAS, as of October 2, 2012, Defendants had not yet received from Plaintiffs'  
9 wireless phone service carriers Plaintiffs' service agreements and understood that the wireless  
10 phone service carriers were continuing to collect Plaintiffs' wireless phone service agreements;

11 WHEREAS, on October 8, 2012, the Parties filed a joint stipulation to extend time for  
12 Defendants to file their motion(s) to compel arbitration to allow Defendants sufficient time to  
13 receive and review Plaintiffs' wireless phone service agreements;

14 WHEREAS, on October 10, 2012, the Court granted the Parties' joint stipulation to  
15 extend time for Defendants to file their motion(s) to compel arbitration from October 11, 2012 to  
16 November 6, 2012;

17 WHEREAS, as of November 1, 2012, Defendants have still not yet received from  
18 Plaintiffs' wireless phone service carriers all of Plaintiffs' service agreements and understand that  
19 certain wireless phone service carriers are continuing to collect Plaintiffs' wireless phone service  
20 agreements, which will be provided within the next week;

21 WHEREAS, the Parties have met and conferred in good faith regarding an extension of  
22 time for Defendants to file their motion(s) to compel arbitration that will allow Defendants  
23 sufficient time to receive and review Plaintiffs' wireless phone service agreements; and

24 WHEREAS, Plaintiffs anticipate serving discovery relating to Plaintiffs' arbitration  
25 agreements following the filing of Defendants' motion(s) to compel arbitration;

26 NOW THEREFORE, the Parties, by and through their respective counsel of record,  
27 hereby stipulate, subject to Court approval, as follows:  
28

1 The deadline for Defendants to file their motion(s) to compel arbitration is continued from  
 2 November 6, 2012 to November 20, 2012;

3 Plaintiffs shall serve arbitration related discovery, if any, no later than December 7, 2012;

4 Defendants, without conceding in this Stipulation that Plaintiffs are entitled to any  
 5 arbitration related discovery, will serve their responses and objections to Plaintiffs' arbitration-  
 6 related discovery requests within 30 days of receiving the requests;

7 Plaintiffs' Opposition to Defendants' motion to compel arbitration shall be due within 40  
 8 days of the completion of arbitration discovery, or denial of any motions to compel arbitration  
 9 related discovery; and

10 Defendants' Reply, if any, in support of their motion(s) to compel arbitration shall be filed  
 11 no later than 30 days after the filing of Plaintiffs' Opposition.

12 IT IS SO STIPULATED.

13 Dated: November 1, 2012

By: /s/ Steve W. Berman

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**ATTESTATION PURSUANT TO GENERAL ORDER 45**

I, Tyler G. Newby, am the ECF User whose identification and password are being used to file this **SECOND STIPULATION AND [PROPOSED] ORDER FOR CONTINUANCE OF TIME FOR DEFENDANTS TO FILE MOTION(S) TO COMPEL ARBITRATION AND REGARDING A BRIEFING SCHEDULE.** In compliance with General Order 45.X.B, I hereby attest that all signatories have concurred in this filing.

Dated: November 1, 2012

/s/ Tyler G. Newby

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**~~[PROPOSED]~~ ORDER**

Pursuant to stipulation, it is SO ORDERED.

Dated: November 2, 2012

Honorable E.  
United States

